



November 6, 2025

Washington State Office of the Attorney General

Sent via email: agorulemaking@atg.wa.gov

Re: Comments on proposed amendments to the WAC 44-14 et seq. (PRA)

Dear Office of the Attorney General:

Please accept this letter with attachment as the City of Walla Walla's comment on the proposed changes to the WAC 44-14, et seq., which is currently pending. Walla Walla has significant concern over the impacts these proposed changes would have on our ability to be responsive to public records requests and the fiscal impacts of doing so.

We appreciate the opportunity to provide comment and welcome any questions or request for further comment.

Sincerely,

A handwritten signature in blue ink that reads "June Riley".

June Riley

Assistant City Attorney
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Comments on Proposed changes to Model Rules for Implementing the PRA

As a general comment which applies to all suggested revisions, WAC 1-06-010 which sets out the purpose of the WAC in regards to the PRA states that the purpose is to “ensure compliance by the statute law committee and the office of the code reviser with the provisions of chapter 42.56.” Accordingly, any imposition of additional liability or burdens upon agencies which is not provided for in the RCW 42.56 would be inappropriate via the modifications to the WAC.

This section of the WAC also states that the purpose is “preventing excessive interference with other essential agency functions, and not unreasonably disrupting agency operations.” Therefore, the WAC and any modifications thereto should not subvert this purpose.

- 44-14-00001 States that the purpose is to provide information about “best practices”. Use of this term will imply that anything other than full adoption of the practices suggested in the model rules and comments falls short and could therefore create a presumption of liability if the “best practices” contained in the comments are not followed. The term “best practices” should be removed and the statement should simply state that “The purpose of the model rules is to provided information to records requestors and state and local agencies about practices for complying with the Public Records Act”.
- 44-14-00003 Consider adding a statement that the model rules should not be used as evidence of failure to comply creating a liability situation.
- 44-14-00005 Replace “All agency employees should receive basic training...” with All agency employees may receive basic training...: The use



of the word should implies that failure to meet the standard of training ALL agency personnel is a basis for liability.

- 44-14-020 Should not require the creation of an index. There are many smaller agencies (small rural towns for example) that have existed for over a century. The requirement (as this is written) would create an onerous and nearly impossible unfunded mandate to create such an index. This section states that the agency will (a mandatory word regardless of the earlier statement that it means may) create and maintain ... and index to public records. This is a mandate, a requirement that will unreasonably interfere with the essential function of the agency and will be fiscally impossible for smaller jurisdictions to accomplish. The language should be changed to “may create”.
- 44-14-030(4)(e) A citation to the reference of “consistent with the law” should be included. Which law is this statement making reference? A citation is needed to be clear.
- 44-14-03006 The section titled Purpose of Request states that an agency may request information as to whether a requestor fits criteria for disclosure if such a limitation exists. This comment should provide for the lack of liability on the part of the agency should the requestor fail or refuse to provide such information and proof that such information is correct.
- 44-14-040(3) A stated purpose for the evaluation explained should be provided. Subsection (2) provides that the PRO will evaluate the request considering the listed criteria, but this subsection does not provide for the purpose of the evaluation, is it to place the request in



context with other requests in terms of simplicity or in terms of priority. This is unclear and should be clarified.

Subsection (4)(ii)

This section should NOT contain the phrase “the entire request is unclear” since this is counter to the requirement of responding to those portions that are clear. The first requirement of “the entire request is unclear” is not logical if there is a portion of the request that is clear to which the agency must respond. These requirements are not consistent. The portion stating “the entire request is unclear” should be removed to maintain logical consistency.

Subsection (10)

The phrase “large number of records” does not address the issue of a small number of records being so complex that installments are necessary. This subsection implies that if the request is for a small number of records then installments are not appropriate, however, a request for a small number of complex records may require installments, whereas, a single large records may be reasonably quick in comparison for response. The word large should be removed and the line should read “When the request requires , the public records officer...”. This leaves the determination to the PRO who has the best knowledge to determine whether installments are the best way to proceed.

Subsection (12)

a time line (such as 30 days) for the determination that the request has been abandoned should be included. Otherwise a requestor can come back after 180 days stating that they did not intend to abandon the request.



- 44-14-04001 A clarification should be added that “fullest assistance” may vary between agencies. Some agencies may have several dedicated employees working on responding to PRA requests while small jurisdictions may have one PRO who also does other essential jobs. There should be an acknowledgment that there is no ONE standard for what is considered “fullest assistance” but will consider the totality of the ability of the agency to respond.
- 44-14-04003 There is no guidance as to what should be considered a simple or complex request. Size may not be the salient factor. The amount of privacy considerations and exemptions can create a situation where a relatively “small” record is much more complex than a larger record that has little to no exemptions. This statement should clarify that possibility.
- Subsection (8) Again, the word “entirely” creates an inconsistent statement. If you have an “entirely” unclear request, there can by definition not be a portion which is considered clear and to which the agency must respond. The word “entirely” should be removed.
- 44-14-04006 Again, the use of the phrase of an “entirely unclear request” is logically inconsistent with the remainder of the comment which addresses portions that may be clear.

